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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

J. ALBERT & SON (USA); JAMES PATRICK PAGE (a/k/a Jimmy Page); ROBERT PLANT; and JOHN BALDWIN (a/k/a John Paul Jones),

Plaintiff,

V.

BOOMER, INC. and GREGORY A.
PERZELL,

Defendants.

CV9 1741

COMPLAINT



09-CV-01741-CMP

Plaintiffs, complaining of the Defendants, by PERKINS COIE LLP, their attorneys, allege:

1. This is a suit for copyright infringement under Title 17, U.S.C. Jurisdiction of this Court is based upon 28 U.S.C. § 1338(a).

2. Plaintiffs allege eight (8) causes of action for copyright infringement based on the Defendants' public performances of copyrighted musical compositions. SCHEDULE A annexed to the Complaint sets forth in summary form the allegations hereinafter made with respect to the Plaintiffs, their copyrighted musical compositions, and Defendants' acts of infringement.

3. Plaintiffs named in Column 2 (all references to columns are to columns in SCHEDULE A) are the owners of the copyrights in the works listed in Column 3, and are properly joined in this complaint under Fed. R. Civ. P. 20.

4. Defendant Boomer, Inc. is a Washington corporation which did at the times hereinafter mentioned and still does own, control, manage, operate and maintain a place of business

COMPLAINT – 1

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ORIGINAL

1 for public entertainment, accommodation, amusement and refreshment known as Lakepointe,
2 located at 18018 61st Avenue, in Kenmore, in the State of Washington.
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5. Upon information and belief, Defendant Gregory A. Perzell is a resident of this
6 District and, at all times hereinafter mentioned was and still is officer of Defendant Boomer, Inc.,
7 with primary responsibility for the control, management, operation and maintenance of the affairs of
8 said corporation. The acts hereinafter complained of were done with his active assistance, co-
9 operation, acquiescence and procurement, and he derives financial benefit therefrom.
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11

12 6. Musical compositions were and are publicly performed at said place of business.
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15 7. The original musical compositions listed in Column 3 were created and written by
16 the persons named in Column 4.
17
18

19 8. The compositions named in causes of action 1 through 7 were published on the dates
20 stated in Column 5, and since the dates of publication have been printed and published in strict
21 conformity with Title 17, U.S.C.
22
23

24 9. The composition named in cause of action 8 was registered as an unpublished
25 composition on the date stated in Column 5.
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28 10. The Plaintiffs named in each cause of action, including their predecessors in interest,
29 if any, complied in all respects with Title 17, U.S.C., and secured the exclusive rights and privileges
30 in and to the copyright of each composition listed in Column 3, and received from the Register of
31 Copyrights a Certificate of Registration, identified as set forth in Column 6.
32
33

34 11. The composition ROCK AND ROLL for which there are entries in Columns 7 and 8
35 is now in the renewal term of copyright, secured by due filing of an application for renewal of
36 copyright in the office of the Register of Copyrights. The Register of Copyrights thereupon issued a
37 Certificate of Registration of the claim to the renewal of copyright in the name of those claimant
38 listed in Column 7. The date and identification number of such certificates are set forth in Column
39 8.
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42 COMPLAINT - 2
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1 12. Defendants on the dates specified in Column 9, and upon information and belief, at
2 other times prior and subsequent thereto, infringed the copyright in each composition named in
3 Column 3 by giving public performances of the compositions on Defendants' premises, for the
4 entertainment and amusement of the patrons attending said premises, and Defendants threaten to
5 continue such infringing performances.
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10 13. The performances of the Plaintiffs' copyrighted musical compositions on the dates
11 specified in Column 9 on Defendants' premises were unauthorized: neither Defendants, nor any of
12 the Defendants' agents, servants or employees, nor any performer was licensed by, or otherwise
13 received permission from any Plaintiff or any agent, servant or employee of any Plaintiff to give
14 such performances.
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20 14. In undertaking the conduct complained of in this action, Defendants knowingly and
21 intentionally violated Plaintiffs' rights. Defendants' knowledge and intent are established by the
22 following facts:
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24

25 (a) Defendants have not sought or obtained a license agreement from Plaintiffs
26 or the American Society of Composers, Authors and Publishers (ASCAP), a performing rights
27 licensing organization of which all Plaintiffs are members.
28
29

30 (b) Despite numerous letters and other contacts by ASCAP representatives in-
31 forming the Defendants of their liability under the United States Copyright Law, Defendants have
32 continued to perform copyrighted music without permission during the hours that Defendants'
33 establishment is open to the public for business and presenting musical entertainment.
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35

36 (c) The many unauthorized performances at Lakepointe include the
37 performances of the eight copyrighted musical compositions upon which this action is based.
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40 15. At the times of the acts of infringement complained of, the Plaintiff named in each
41 cause of action was the owner of the copyright in the composition therein named.
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44 16. The said wrongful acts of the Defendants have caused and are causing great injury to
45 the Plaintiffs, which damage cannot be accurately computed, and unless this Court restrains the
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48 COMPLAINT – 3

1 Defendants from the further commission of said acts, said Plaintiffs will suffer irreparable injury,
2 for all of which the said Plaintiffs are without any adequate remedy at law.
3
4 WHEREFORE, Plaintiffs pray:

5 A. That Defendants and all persons acting under the direction, control, permission or
6 authority of Defendants be enjoined and restrained permanently from publicly performing the
7 aforementioned compositions or any of them and from causing or permitting the said compositions
8 to be publicly performed in Defendants' said premises, or in any place owned, controlled or con-
9 ducted by Defendants, and from aiding or abetting the public performance of such compositions in
10 any such place or otherwise.

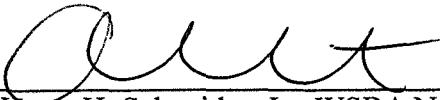
11 B. That Defendants be decreed to pay such statutory damages as to the Court shall
12 appear just, as specified in 17 U.S.C. § 504(c)(1), namely, not more than Thirty Thousand Dollars
13 (\$30,000) nor less than Seven Hundred And Fifty Dollars (\$750) in each cause of action herein.

14 C. That Defendants be decreed to pay the costs of this action and that a reasonable
15 attorney's fee be allowed as part of the costs.

16 D. For such other and further relief as may be just and equitable.

17 DATED: December 8, 2009

18 PERKINS COIE LLP

19 By: 

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24 Attorneys for Plaintiffs

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29
30
31 COMPLAINT - 4

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Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9
Action	Plaintiff	Musical Composition	Writers	Date of Publication	Certificate of Registration Number	Renewal Certificate Date and Number	Date of Known Infringement	
1.	J. ALBERT & SON (USA) INC.	THUNDERSTRUCK	ANGUS YOUNG, MALCOLM YOUNG, K	9/6/90 PA 494-632			1/5/08	
2.	J. ALBERT & SON (USA) INC.	LET ME PUT MY LOVE INTO YOU	ANGUS YOUNG, MALCOLM YOUNG, BRIAN JOHNSON	CONTAINED IN ALBUM "AC/DC - BACK IN BLACK" 7/25/80 PA 77-985			1/5/08	
3.	J. ALBERT & SON (USA) INC.	MONEY TALKS	ANGUS YOUNG, MALCOLM YOUNG	9/6/90 PA 494-633			1/5/08	
4.	J. ALBERT & SON (USA) INC.	HIGHWAY TO HELL	BON SCOTT, MALCOLM YOUNG, ANGUS YOUNG	8/2/79 PA 46-197			1/5/08	
5.	J. ALBERT & SON (USA) INC.	SHOOT TO THRILL	ANGUS YOUNG, MALCOLM YOUNG, BRIAN JOHNSON	CONTAINED IN ALBUM "AC/DC - BACK IN BLACK" 7/25/80 PA 77-985			1/5/08	
6.	J. ALBERT & SON (USA) INC.	HELLS BELLS	ANGUS YOUNG, MALCOLM YOUNG, BRIAN JOHNSON	CONTAINED IN ALBUM "AC/DC - BACK IN BLACK" 7/25/80 PA 77-985			1/5/08	
7.	J. ALBERT & SON (USA) INC.	BACK IN BLACK	ANGUS YOUNG, MALCOLM YOUNG, BRIAN JOHNSON	CONTAINED IN ALBUM "AC/DC - BACK IN BLACK" 7/25/80 PA 77-985			1/5/08	

SCHEDULE "A"

Columns 1	2	3	4	5	6	7	8	9
Action of Plaintiff	Musical Composition	Writers	Date of Publication	Certificate of Registration Number	Renewal	Renewal Certificate Date and Number	Date of Known Date and Infringe- ment	
8. (AKA JIMMY PAGE), ROBERT PLANT, JOHN BALDWIN (AKA JOHN PAUL JONES)	ROCK AND ROLL	JIMMY PAGE, ROBERT PLANT, JOHN PAUL JONES, JOHN BONHAM	REGISTERED AS UNPUBLISHED 1/20/72 EU 301-135	JAMES PATRICK PAGE (AKA JIMMY PAGE) "AUTHOR," ROBERT PLANT "AUTHOR" JOHN PAUL JONES "AUTHOR" PATRICIA BONHAM "WIDOW OF DECEASED" AUTHOR, JOHN BONHAM JASON BONHAM AND ZOE BONHAM, "CHILDREN OF" DECEASED AUTHOR, JOHN BONHAM	RE 820-341	1/6/08		

SCHEDULE "A"